

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CORBIN D. JONES, # 01-30-1989-46,

Plaintiff,

vs.

NEILL MOONEY,

Defendant.

Case No. 17-cv-337-JPG

MEMORANDUM AND ORDER

GILBERT, District Judge:

This matter is before the Court for case management. On September 5, 2017, the Court lifted the stay that had been imposed on this case pursuant to *Younger v. Harris*, 401 U.S. 37 (1971), because Plaintiff's state criminal charge was dismissed. (Doc. 19). In the same order, Defendant Mooney was directed to answer or otherwise respond to the Complaint within 60 days.

Previously, the Court concluded that Counts 1 and 2 in this *pro se* action survived screening under 28 U.S.C. § 1915A.¹ (Doc. 12). Those claims are:

Count 1: Mooney violated Plaintiff's Fourth Amendment rights by forcing his way into Plaintiff's room to conduct a search without a warrant or permission;

Count 2: Mooney violated Plaintiff's Fifth and Sixth Amendment rights by failing to inform him of his *Miranda* rights before or after his arrest or while he was in Mooney's custody.

Now that the stay has been lifted and the Defendant has been ordered to answer or otherwise plead, this matter is ripe for referral to the United States Magistrate Judge so that

¹ Counts 3 and 4, as well as several miscellaneous claims, were dismissed without prejudice for failure to state a claim upon which relief may be granted. (Doc. 12, pp. 7-8).

Plaintiff may proceed with his claims.

Disposition

Pursuant to Local Rule 72.1(a)(2), this action is **REFERRED** to a United States Magistrate Judge for further pre-trial proceedings.

Further, this entire matter shall be **REFERRED** to the United States Magistrate Judge for disposition, pursuant to Local Rule 72.2(b)(2) and 28 U.S.C. § 636(c), *if all parties consent to such a referral.*

IT IS SO ORDERED.

DATED: September 6, 2017

s/J. Phil Gilbert
United States District Judge